REMARKS

Amendment to the specification on page 7 has been made to properly define the tablets as being 20 mg instead of 30 mg. No new matter has been added inasmuch as this merely correlates the specification with the original drawings.

Independent claims have been amended with features of dependent claims. Specifically, the sets of tablets in successive receivers have increased doses. Accordingly, claims 2-3, 6 have been cancelled along with claims 8-28. Traverse of the Examiner's rejection will be made on the basis of the amended claims.

Original claims 1-2, 8-9 and 17 have been rejected b y the Examiner under 35 USC 102(b) as being anticipated by U.S. 4,958,736 to Urheim. Claims 2 and 8-28 have been cancelled.

It is well known that anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 221 USPQ 385 (Fed. Cir. 1984). The amended claims include structure in which a sets of tablets have increased doses. It is clear that Urheim does not teach or suggest this structure and accordingly a rejection of claim 1 is not sustainable under 35 USC 102(b) on the basis of the Urheim reference. The Examiner is respectfully requested to withdraw the rejection of claim 1 on the basis of 35 USC 102(b).

The Examiner has rejected claims 1-3, 5-6, 8-11 and 13-15 under 35 USC 103(a) as being unpatentable over Urheim in view of U.S. 3,568,828 to Lerner. Claims 2-3 and 8-28 have been cancelled.

While Lerner suggests that dosage units may be packaged in any dispensing device, such as a folder or sequential plastic dispenser, and arranged in a manner which facilitates the order lead daily administration, there is no suggestion of providing sets of tablets with each sets having tablets of increased dosages. As earlier noted by the Applicants, the prior art must be sufficiently described in the claimed invention to have placed the public in possession and enabling, and the Lerner reference does not provide such a basis.

Claims 1-3, 5-6, 8-11 and 13-15 have been rejected b y the Examiner under 35 USC 103(a) as being unpatentbale over EP 0852208 in view of Urheim and CA 2,218,470. Claims 2, 3, and 8-28 have been cancelled. In this rejection, the Examiner states that EP 0852208 discloses that it was known to provide tablets of different dosages at different times in the course of a regimen. While EP 0852208 teaches in column 2 at line 11 that the doses correspond to each day there is no suggestion of increasing the dosage in different sets. Accordingly, the Applicants submit that the prima facie case has not been made.

Claims 4, 7, 12, and 16 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over the art as applied to claims 3, 6, 11, 15, and 18 and further in view of U.S. 5,747,545 to Lipton. Claims 12 and 16 have been cancelled. While Lipton utilize the Memantine and gradually increasing dosage to treat glaucoma, the reference does not

add to the structure of the titration of package as presently claimed and thus the combination does not provide a prima facie case of obviousness under 35 USC 103(a) for the rejection of claims 4 and 7 as amended.

Claims 17-25 have been rejected by the Examiner under 35 USC 103(a) and have been cancelled.

In view of the arguments hereinabove set forth and amendment to the claims and specification, it is submitted that each of the claims now in the Application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

Walter A. Hackler, Reg. No. 27,792
Attorney of Record
2372 S.E. Bristol, Suite B
Newport Beach, California 92660
(949) 851-5010

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, PO BOX 1450 ALEXANDRIA, VIRGINIA 22313-1450, ON

1/9/06
(DATE SIGNED)

WALTER A. HACKLER
REG. NO. 27,792